



For Immediate Release

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Governor Pete Ricketts Signs Bill into Law to Protect Niobrara River

LINCOLN -- On April 18th, Governor Pete Ricketts signed Legislative Bill (LB) 1038 into law furthering the process of protecting the flow of water in the Niobrara River.

LB1038, introduced by District 43 Senator Al Davis, allows for the transfer of the water rights associated with the Nebraska Public Power District's (NPPD) Spencer Dam to the Nebraska Game and Parks Commission (Commission) and the Niobrara River Basin Alliance (NRBA), which is made up of five Natural Resource Districts: Lower Niobrara, Middle Niobrara, Upper Elkhorn, Upper Loup and Upper Niobrara White.

In 2015, NRBA, the Commission and NPPD entered a memorandum of understanding in which the NRBA and the Commission agreed to purchase Spencer Dam from NPPD. By purchasing the dam and acquiring the associated surface water rights, the NRBA and Commission will be able to preserve flows necessary for wildlife conservation, recreation, agriculture and other uses in the Niobrara River. Legislation necessary for the transfer of water rights came in the form of Davis' bill.

"The NRDs, the Commission and NPPD appreciate Sen. Davis bringing this bill forward and recognize the efforts of Senator Ken Schilz and the entire Natural Resources Committee for guiding this legislation through the process," said Middle Niobrara Board Member Marty Graff.

Under the legislation, the current hydropower use can be changed to an instream basin management use that will continue to protect flows for fish, wildlife, recreation and agriculture and will allow more flexibility in the implementation of integrated management plans. Such actions could include using excess stream flows for enhancing groundwater recharge, or retiming excess flow using storage to release water into the river during periods of high water



demand. Once changed, the water rights will then be transferred to the Commission and the NRDs.

In Nebraska, surface water rights are based on the date issued with older rights getting preference for water in times of shortage. Because of this, a key component of the bill will allow the NRDs and the Commission to maintain the priority dates of NPPD's water rights when they are transferred. The transferred water rights will assist the state of Nebraska in satisfying the National Park Service and United States Fish and Wildlife Service's flow needs on the Wild and Scenic portions of the river. The legislation also protects existing users by allowing water right holders to enter into agreements with the NRDs and the Commission at no additional cost

"This is a local plan for conserving a Nebraska jewel," said Jim Douglas, director of the Nebraska Game and Parks Commission. "The Commission, the NRDs and NPPD want to ensure that the future of the Niobrara River will be decided by the citizens of the state, with the best interests of all stakeholders and users in mind. All parties are proud to be working together to achieve a diverse set of goals for a valuable Nebraska resource."

The law goes into effect July 21, 2016.

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The Nebraska Association of Resources Districts (NARD), the trade association for Nebraska's 23 natural resources districts, works with individual NRDs to protect lives, protect property, and protect the future of Nebraska's natural resources. These districts are unique to Nebraska. NRD's are local government entities with broad responsibilities to protect our natural resources. Major Nebraska river basins form the boundaries of the 23 NRDs, enabling districts to respond best to local conservation and resource management needs. To learn more about Nebraska's NRDs visit www.nrdnet.org. Or you can head to the Natural Resources Districts' Facebook page at www.facebook.com or follow NARD's Twitter page at [@nebnrd](http://www.twitter.com). NARD is located at 601 S. 12th St. Suite 201, Lincoln, Nebraska 68508. Email NARD at nard@nrdnet.org or call NARD at (402) 471-7670.